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May 13, 2025

Via ECF filing

Hon. Elizabeth S. Stong
U.S. Bankruptcy Court, EDNY
271-C Cadman Plaza East
Brooklyn, NY 11201-1800

Re: SPL Partners LLC
Signature Lien Acquisitions III LLC v. Jewish Board et al.
Case No. 21-42248 (ESS)
Adv. Pro. No. 23-01078

STATUS LETTER

Dear Judge Strong:

Please accept this status letter in advance of Friday's adjourned hearing. On May 1, 2025, the parties argued Plaintiff's motion for summary judgment to collect unpaid rents which continue to accrue. During the course of the hearing, counsel met for a settlement conference at Your Honor's urging, whereupon I outlined a three-pronged proposal in writing to resolve the matter based upon an immediate cash payment of \$1,000,000 plus no further changes in the lease, plus appropriate collateral arrangements in the form of a warrant of eviction to be held in escrow to secure future payment of rent.

We scheduled a meeting with the Defendant's new investor for last week on Tuesday, May 6, 2025. Neither the defendant nor the investor appeared for the meeting and we received a woefully inadequate response from Mr. Del Virginia. I made a last and final proposal to Mr. Del Virginia last week to which I have received no response except an email received this morning (in response to my sending him a preview of this letter) that the investor will confer today, without any details. Par for the course, there has been no follow up from Mr. Del Virginia.

History is prologue – The lack of meaningful communications only confirms my client’s long held belief that the Parking Garage has no intention to pay any rent or resolve the case and continues to buy time while it operates rent free. Accordingly, I respectfully request that the Court rule upon the Plaintiff’s pending motion for summary judgment. Upon reviewing the pleadings, I note that the Court was correct that the Plaintiff is seeking monetary damages based on a turnover of unpaid rent. I also note that the defense of constructive eviction was never raised in the Answer, nor does the Answer reference any prior payment of approximately \$192,000. At any rate, the rent is due without offset or defense under the lease as cited throughout Plaintiff’s motion papers.

Respectfully yours,

/s/ Kevn J. Nash, Esq.

cc: Gabriel Del Virgina, Esq.
Mr. Tim Ziss